

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Gary Zdolskek, et al.,	)	CASE NO. 1-02CV2338
	)	
Plaintiffs,	)	JUDGE O'MALLEY
	)	
v.	)	
	)	
Alston & Bird, L.L.P., et al.,	)	
	)	<b>JOINT POSITION STATEMENT</b>
Defendants.	)	<b>REGARDING AGENDA FOR</b>
	)	<b>CASE MANAGEMENT</b>
	)	<b>CONFERENCE</b>

Richard S. Mitchell (counsel for Plaintiffs), Michael J. Montgomery (counsel for Defendants J. Lynn Thorneburg and Alston & Bird, LLP), Frederick M. Thurman (counsel for Defendant Karl T. Wall), and Brian A. Cook (counsel for Defendant Commissions Today, LLC), pursuant to Local Rule 16.3, hereby submit the following statement of their position regarding the agenda for the Case Management Conference to be held on February 26, 2003 at 12:00 p.m.

1. This case should be assigned to the Complex track.
2. The parties agree that this case should be designated for electronic filing.
3. This case is not suitable for Alternative Dispute Resolution at this time. The parties agree to revisit this issue after the completion of discovery.

4. The parties do not consent to the jurisdiction of a United States Magistrate Judge.

5. The parties will exchange their respective initial disclosures by March 3, 2003.

6. The parties request that discovery of the following type and extent be allowed in this case: the exchange of interrogatories, document requests, requests for admission, and depositions of parties and non-parties.

7. The parties request that the discovery cutoff be set for July 30, 2003.

8. The parties shall exchange Expert Reports on or before August 30, 2003, and Expert Discovery shall be completed on or before November 15, 2003.

9. The parties request that new parties be joined and the pleadings be amended, if necessary, by May 31, 2003.

10. The parties request that the dispositive motion cutoff be set for December 15, 2003.

11. The parties request that the Status Hearing be held on May 23, 2003.

Respectfully submitted,

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***Counsel for Defendant Commissions  
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### **CERTIFICATE OF SERVICE**

The foregoing document was filed electronically with the Court on February 18, 2003. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard S. Mitchell

Richard S. Mitchell, Esq.

Counsel for Plaintiffs

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